

RULE 1006-1**FILING FEE** [Modified 6/1/06]

- (a) **Manner of Payment.** The filing fee commencing a case shall be paid in cash or by cashiers check or money order, made payable to “Clerk, U.S. Bankruptcy Court.” Payment by personal check or credit card will be accepted only if the check or credit card is in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. The applicable miscellaneous fee shall be assessed and shall be payable to the “Clerk, U.S. Bankruptcy Court” for any dishonored check. The Clerk of the Court shall maintain a list of attorneys and law firms whose checks have been dishonored, may refuse to accept the checks of such attorneys or firms, and, if circumstances warrant, may report the attorney(s) or firm(s) to the appropriate authorities.
- (b) **Multiple/Erroneous Payments of Same Fee or Charge.** It is the filer’s responsibility to ensure any clerk’s office fee or charge is paid only once, and creditors are responsible for ascertaining that the status of the case is such that the action they seek requires a fee. Except where the payment of a fee is the error of the clerk’s office, the clerk is not authorized to refund fees paid by mistake. The clerk shall deposit excess or erroneous payments into the appropriate government account.
- (c) **Payment of Filing Fee in Installments.** The clerk may approve a debtor’s Application to Pay the Filing Fee in Installments, if the application contains a payment schedule that provides for at least 25% of the fee at the time of the filing, or within five (5) business days thereafter, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-five (25) days thereafter. The application to pay in installments must comply with Official Form 3A.
- (d) **Nonconforming Application to Pay in Installments.** An Application to Pay the Filing Fee in Installments that does not comply with LBR 1006-1(c) shall be presented to the Court for consideration. If denied, the debtor shall have five (5) business days from the date of the order to either resubmit the application in compliance with LBR 1006-1(c) or remit the full filing fee. Failure to timely do either will result in the automatic issuance of an Order to Show Cause why the case should not be dismissed.
- (e) **Procedure to Waive Filing Fee (Proceed in forma pauperis).** An individual who files a voluntary Chapter 7 petition may request to have all filing fees waived by filing a completed and signed Application for Waiver of the Chapter 7 Filing Fee using Official Form B3B, and if Schedule J has not been filed with the petition, R.I. Bankr. Form D. The granting of the application approves the waiver of all future filing fees which may arise in the case while pending under Chapter 7.
- (f) **Nonconforming and Denied Applications For Waiver of Filing Fee.** An Application to Waive the Filing Fee that does not conform with the requirements listed in section (e) above, or is defective in any way, will be automatically denied. If an Application to Waive the Filing Fee is denied for any reason, the Court may treat the application as one to pay the filing fee in installments and the first installment will be due within ten (10) days of the entry of the order denying

the waiver of the fees, and the remaining fees will be payable in accordance with LBR 1006-1 (c) .

- (g) **Revocation or Vacating of Waiver.** The Court may revoke or vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.
- (h) **Effect of Conversion.** If the filing fee of an individual Chapter 7 case is waived, and the debtor's case is later converted to one under another chapter, the debtor must pay the full filing fee for the new chapter within fifteen (15) days of conversion, or file an Application to Pay the Filing Fee in Installments.

RULE 1007-1 **LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS;**
NOTICE OF INTENT TO DISMISS; NOTICE IN CHAPTER 11
[Modified 6/1/06]

- (a) **Certification of Pro Se Debtor Required.** All pro se debtors are required to complete at the time of filing of the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing.
- (b) **Filings Subject to Two (2) Business Day Filing Deadline:** The following, as applicable to the case and chapter, are required to be filed with the clerk within two (2) business days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:
 - (A) Creditor Mailing List (names and addresses)
 - (B) Form 21 - Statement of Social Security Number
 - (C) Debtor's Mailing Address
 - (D) Certificate of Credit Counseling, or a Motion to be Exempt from Credit Counseling, or Certificate of Exigent Circumstances if applicable.
 - (E) Application to Pay in Installments, if applicable
 - (F) Application for Waiver of Chapter 7 Filing Fee, if applicable
- (c) **Filings Subject to Fifteen (15) Day Filing Deadline:** The following, as applicable to the case and chapter, are required to be filed with the clerk within fifteen (15) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:
 - (A) Schedules A through J;
 - (B) Statement of Financial Affairs;
 - (C) Summary of Schedules;
 - (D) Statement of Executory Contracts;

- (E) Attorney fee disclosure statement;
- (F) All required declarations having been properly executed;
- (G) The Chapter 13 plan; and/or
- (H) The Chapter 13 agreement (R.I. Bank. Form V)
- (I) Chapter 11 Exhibit A;
- (J) Chapter 11 twenty (20) largest unsecured creditors;
- (K) Official Bankruptcy Form 22 (either A, B, or C) - Statement of Current Monthly Income;
- (L) In Chapter 7, Completed Checkbox on Form 22A re: Presumption of Abuse;
- (M) Copies of payment advices for 60 days before the filing of the petition;
- (N) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);
- (O) Certification of Pro Se Debtor.

(d) Notice of Dismissal if Documents Not Timely Filed (Lack of Prosecution)

(1) Procedure for Issuance of Notice of Intended Dismissal. In all voluntary cases filed in this District where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015(b), and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive a Notice of Missing Documents and Notice of Dismissal If Documents Are Not Timely Filed indicating which documents are missing and giving the debtor either two (2) business days or fifteen (15) days to file the required documents, as applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to file the required documents, the case will be automatically dismissed without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. §§ 109(g), with a 180-day bar to refiling a petition. See also, R.I. LBR 1017-2.

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases. The debtor in each chapter 11 case shall serve R.I. Bankr. Form B on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated within fifteen (15) days after filing the schedules of liabilities, or within fifteen (15) days of adding such creditors to previously filed schedules. The notice must advise such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within ten days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

RULE 1017-2**DISMISSAL FOR LACK OF PROSECUTION** [Modified 6/1/06]

- (a) **Want of Prosecution Defined.** For purposes of Fed. R. Bankr. P. 1017, the term “want of prosecution” shall include, but is not limited to:
- (1) failure to file lists, schedules, statements, and all required documents within the time allowed by Interim Fed. R. Bankr. P. 1007;
 - (2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the Court;
 - (3) failure to pay timely any required filing fee;
 - (4) failure to timely file a plan, disclosure statement or other document or pleading, as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these LBRs or orders of the Court;
 - (5) failure of a party or counsel to appear, upon notice or order, at a hearing before the Court;
 - (6) failure of the debtor(s) to appear at the initial Section 341 meeting, or any continued meeting; and
 - (7) failure to abide by any Court order requiring the filing of papers or payment of fees, costs or sanctions.
- (b) ***Sua Sponte* Action by Court.** The Court may, on its own motion, and after notice to the debtor, the debtor’s attorney, if any, and to all creditors, dismiss a case for lack of prosecution unless the debtor cures the deficiency timely, and/or the debtor or any party in interest requests a hearing within five days of service of such notice of intent to dismiss or order to show cause.

RULE 2002-1**NOTICE TO CREDITORS, EQUITY SECURITY HOLDERS,
UNITED STATES, AND UNITED STATES TRUSTEE**

[Modified 6/1/06]

- (a) **Twenty-five Day Notice to Parties in Interest.** The notices required by Fed. R. Bankr. P. 2002(b) of the time fixed for filing objections and the hearing to consider approval of a disclosure statement, and the time fixed for filing objections and the hearing to consider confirmation of a chapter 9 or chapter 11 plan, shall be given by the proponent of the disclosure statement or plan to be considered at the hearing. Notice of the time fixed for filing objections and of the confirmation hearing for chapter 13 plans shall be given by the Clerk, in the first instance.
- (b) **Service of Application for Compensation.** In all cases, the applicant must serve a *complete copy of the application for compensation* with:
- (1) the local office of the U.S. trustee;
 - (2) any chapter 7, 11, or 13 trustee;
 - (3) the debtor and debtor’s counsel;
 - (4) the chairperson of the creditors’ committee and its counsel, if any; and
 - (5) the chairperson and counsel of any other official committee approved by

the Court.

- (c) **Notice to Equity Security Holders.** The notices required in chapter 11 cases by Fed. R. Bankr. P. 2002(d)(1), (2) and (3) shall be given by the debtor or the trustee, if applicable. The notices required by Fed. R. Bankr. P. 2002(d)(4), (5), (6), and (7) shall be given by the movant or proponent of the plan or disclosure statement.
- (d) **Notice to Creditors in Chapter 7 Asset Cases and Chapter 13 Cases.** After ninety (90) days following the first date set for the Section 341 meeting of creditors in a chapter 13 case, or within the time allowed by the Court for the filing of claims in a chapter 7 asset case, the Clerk will mail notices only to creditors whose claims have been filed or who have been granted extensions of time within which to file claims.

RULE 2002-2

NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE

[New 6/1/06]

- (a) In accordance with Interim Fed. R. Bankr. P. 2002(g)(1)-(3), an entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses provided by the entity to the notice provider. That address is conclusively presumed to be a proper address for notice purposes. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.
- (b) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the entity that provides noticing services for the Bankruptcy Courts will constitute the filing of such a notice with the Court.
- (c) Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the Bankruptcy Courts. Forms and registration information are available at www.ncrsuscourts.com
- (d) Any notice sent by the Court to a creditor's preferred address, in accordance with a notice of preferred address filed by a creditor or an interested party pursuant to 11 U.S.C. § 342(e) or § 342(f) or contained in a proof of claim filed with the Court, specifying a mailing address and designating a recipient, will be conclusively presumed to have been received by the creditor or interested party upon the mailing of any notice by the Court or its noticing agent(s) to the address specified in the notice of preferred address, notwithstanding 11 U.S.C. § 342(g)(1).

RULE 2003-1

MEETING OF CREDITORS OR EQUITY

SECURITY HOLDERS [Modified 6/1/06]

Pursuant to Fed. R. Bankr. P. 2003(b)(1), unless otherwise ordered by the Court, the following persons shall preside at a meeting of creditors:

- (a) **Chapter 7 Cases.** In a chapter 7 case, the interim trustee or trustee appointed by the United States trustee, unless an alternative trustee is elected pursuant to § 702 of the Code and there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.
- (b) **Chapter 11 Cases.** In chapter 11 cases, the United States trustee or his/her designee, unless:
 - (1) a trustee has been appointed by the Court pursuant to § 1104 then such chapter 11 trustee shall preside; or
 - (2) an alternate trustee is elected under § 1104(b) of the Code and the United States trustee has determined that there is no dispute with regard to said election, then such alternate trustee shall preside.
If the United States trustee has determined that there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.
- (c) **Chapter 13 Cases.** In chapter 13 cases, the chapter 13 trustee or such designee as is approved by the United States trustee.

RULE 3001-1 **TRANSFER OF CLAIM** [New 6/1/06]

- (a) **Content of Notice** - All Notice of Transfer of Claims must be filed using Official Form B210, or one that substantially complies. Failure to comply will result in the transfer being deemed defective and stricken from the record.
- (b) **Transfers of Claim other than for Security pursuant to Fed. R. Bankr. P.3001(e)(1)** - Before the filing of a proof of claim, no evidence of transfer of claim is required. If such a transfer of claim is filed under this section of the rule, it will remain on the docket and no further court action will be taken.
- (c) **Transfer of Claim for Security pursuant to Fed. R. Bankr. P. 3001(e)(3)** - Before the filing of a proof of claim, no evidence of transfer of claim is required. If such a transfer is filed under this section of the rule, it will remain on the docket and no further court action will be taken. If either the transferor or the transferee files a proof of claim, the filer of the claim shall make a notation on the claim

form that it has been transferred for security and immediately notify the other party by mail of their right to join in the filed claim.

RULE 3015-3 **CHAPTER 13 - CONFIRMATION** [Modified 6/1/06]

- (a) **Pre-Confirmation Conference with Chapter 13 Trustee.** At least forty-eight (48) hours prior to the hearing on confirmation, the debtor's attorney, the debtor, if pro se, and any objector to the Chapter 13 plan are required to confer with the Chapter 13 trustee regarding the proposed plan, its feasibility and permissibility, and any objections to the proposed plan.
- (b) **Objections to Confirmation.**
 - (1) **Deadline for filing.** Any objections to confirmation of a Chapter 13 plan shall be filed no later than seven (7) days before the hearing date on confirmation.
 - (2) **Service of objections.** An objection to confirmation shall be filed with the Court and served on the Chapter 13 trustee, the debtor, the debtor's attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.
- (c) **Scope of the Confirmation Hearing.**
 - (1) **Matters for Consideration.** At the hearing on confirmation of a Chapter 13 plan, the Court may consider objections to claims, motions filed pursuant to Fed. R. Bankr. P. 4003, motions for valuation of secured claims, motions to modify secured claims, reasonableness of attorney's fees, and any timely filed objections to confirmation of the debtor's plan.
 - (2) **Trustee's Recommendation.** Any recommendation by the Chapter 13 Trustee that the plan under consideration be confirmed shall be made only after determining that all requirements for confirmation under 11 U.S.C. § 1325 have been satisfied.
- (d) **Order Confirming Chapter 13 Plan.** R.I. Bankr. Form X shall serve as the form of order for all Chapter 13 confirmations, with such modifications thereof as appropriate. The Chapter 13 trustee is responsible for preparation of the proposed order confirming the plan. Service and submission of the proposed order shall be in accordance with R.I. LBR 9072-1(b).
- (e) **Confirmation of Plan Denied.** If confirmation is denied, the Court may enter an order dismissing the Chapter 13 case, unless, within eleven (11) days after entry of the order denying confirmation:
 - (1) the debtor files a modified plan;
 - (2) the debtor moves to convert the case to one under another chapter of the

Code;

- (3) the debtor files a motion for reconsideration;
- (4) the debtor appeals the order denying confirmation; or
- (5) the Court otherwise orders.

(f) **Completion of Plan.** Upon completion of the debtor(s)' confirmed plan and in compliance with 11 U.S.C. § 1328(a), the Chapter 13 Trustee's Final Report shall clearly state either:

- (1) that there were no domestic support obligations due to be paid by the debtor, or;
- (2) that there were domestic support obligations due to be paid by the debtor and those obligations are current, or;
- (3) that there were domestic support obligations owed by the debtor, that the trustee is unable to determine if they are current and the debtor has not applied for a waiver under this statute.

If the trustee is unable to determine if these obligations are current, the court shall issue a Notice of Intent to Close the Case Without a Discharge unless, within 10 days, the debtor files documentation with the Chapter 13 Trustee that all domestic obligations are current and the Chapter 13 Trustee so notifies the court.

RULE 4001-4 **AUTOMATIC STAY OF EVICTION PROCEEDINGS IN WHICH LESSOR HAS OBTAINED JUDGMENT OR POSSESSION PRIOR TO DATE OF FILING** [New 6/1/06]

Certificate of Intent to Cure Default & Rent Deposit. Certificates of Intent to Cure Default and Rent Deposit shall include a copy of the Judgment for possession resulting from the eviction action, as well as the landlord's name, address and telephone number, unless this information is contained in the Judgment.

RULE 4002-3 **FEDERAL TAX RETURNS** [New 6/1/06]

- (a) **Request for Copy of Debtor's Post Tax Information.** Parties in Interest who require the Debtor to file tax information with the Court must file a Request for Debtor to File Post Petition Tax Information using R.I. Bankr. Form G. The request must include a statement qualifying the movant as a party in interest, and must be served on the Debtor, Debtor's Attorney, Trustee and U.S. Trustee.
- (b) **Motion for Access to Tax Information.** Pursuant to 11 U.S.C. § 521(g)(2), Parties in Interest who wish to inspect and copy Debtor's tax returns must file a Motion for Access to Tax Information using R.I. Bankr. Form H.

The motion must include a statement qualifying the movant as a party in interest,

the reason the information cannot be obtained from any other source, and the method by which the movant will access the information. The motion must be served on the Debtor, Debtor's Attorney, Trustee and U.S. Trustee.

- (c) **Personal Data Identifiers.** Pursuant to LBR 9004-1, the debtor is solely responsible for redacting personal identifiers from tax information filed with the Court. Tax information filed with the Court will be subject to restricted access unless the Court orders otherwise.
- (d) **Confidentiality Regarding Tax Information.** The movant is advised that the tax information obtained is confidential and secondary dissemination of the information to parties other than the movant's attorney is prohibited. The movant's attorney is identically restricted. Any improper use, disclosure or dissemination of the tax information may result in the imposition of sanctions.
- (e) **Pre-Petition Tax Information.** Pre-petition tax information should not be filed with the Court, but should be forwarded directly to the Trustee pursuant to 11 U.S.C. § 521(e)(2)(A).

RULE 4004-1 **GRANT OR DENIAL OF DISCHARGE** [New 6/1/06]

- (a) **Requirement for Granting of Discharge.** The Court shall not grant the debtor a discharge unless, prior to the expiration of the objection to discharge deadline, or any authorized extension thereof, the debtor files a certificate evidencing the completion of an approved financial management course (Official Form 23), or in a Chapter 13 case, no later than the last payment made by the debtor as required by the plan, and
 - (1) If the Chapter 13 debtor owes domestic support obligations pursuant to 11 U.S.C. § 1328(a),
 - (A) The Debtor shall certify to the Chapter 13 Trustee that any and all domestic support obligations are current, and
 - (B) The Chapter 13 Trustee shall certify to the Court that the Debtor has satisfied all domestic support obligations.
- (b) **Failure to File Financial Management Certificate (Official Form 23).** If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, or any Court authorized extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with Fed. R. Bankr. P. 4006.
- (c) **Procedure for Obtaining a Discharge in a Closed Case.** If an individual

bankruptcy case is closed without entry of a discharge due to failure of the Debtor to timely file the Certification of Financial Management Course Completion (Official Form 23), to later obtain a discharge, the Debtor must:

- (1) File a Motion to Reopen the case;
- (2) Pay the applicable re-opening fee; and
- (3) File a certificate evidencing completion of the financial management course from an approved agency, or a motion for exemption, if applicable.

The US Trustee shall file its position within ten (10) days of the Debtor's Motion to Reopen pursuant to this Local Rule.

- (d) **Exception.** The provision regarding completion of a financial management course shall not apply with respect to a debtor who is a person described in 11 U.S.C. § 109(h)(4).

RULE 4008-1 **REAFFIRMATION** [Modified 6/1/06]

- (a) **Mandatory Reaffirmation Agreement Form.** In cases filed with the Court on or after October 17, 2005, Reaffirmation Agreement Form B240 (rev.10/05) shall be used.
- (b) **Pro se Reaffirmation Agreements.**
- (1) Pro se debtors must complete Part E of the reaffirmation agreement, entitled "Motion For Court Approval of Reaffirmation Agreement", unless the agreement concerns real estate, or is with a credit union. Failure to complete Part E, "Motion For Court Approval" will result in the reaffirmation agreement being treated as defective, and if not cured within the deficiency period, will result in the agreement being stricken.
- (2) All reaffirmation agreements filed with the Court in which the debtor's attorney fails to sign the required certification will be treated as having been filed pro se.
- (c) **Defective Reaffirmation Agreements.** If a reaffirmation agreement is filed with the Court that is not in compliance with 11 U.S.C. § 524(d), Fed. R. Bankr. P. 4008, or these LBRs, the agreement will be stricken, and no further action will be taken on the agreement.

RULE 5005-4 **ELECTRONIC FILING** [Modified 6/1/06]

- (a) **Acceptance of Electronically Filed Pleadings.** The Court will accept for filing documents submitted, signed, or verified by electronic means that are consistent with technical standards, that the Judicial Conference of the United States may

establish and that comply with the “8'th Amended Administrative General Order Establishing Procedures for Filing, Signing, Maintaining, and verifying Pleadings and Other Documents in the Electronic Case Filing System (ECF)” established by the Bankruptcy Court for its Case Management/Electronic Case Filing System, which is referred to as the “CM/ECF System”, or any subsequent amended version.

(b) Waiver of Notice and Service. Registration with the Court as a filing user of the CM/ECF system will constitute:

- (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and
- (2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(c) Service of Documents by Electronic Means. Each Filing User of the CM/ECF system who electronically files a pleading or other document will automatically receive a “Notice of Electronic Filing” generated by the System and this Notice of Electronic Filing will automatically be transmitted by the System to all parties who are registered users of the System. Electronic transmission by the Court of the “Notice of Electronic Filing” generated by the CM/ECF System will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Filing User must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

(d) Official Court Record. The Case Management/Electronic Case Filing System (CM/ECF) shall constitute the official Court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF System procedures, or the conventional filing of a document which is subsequently imaged by the Court and placed into the System, shall constitute entry of that pleading or other papers on the docket kept by the Clerk pursuant to Rule 5003. The Court will not maintain paper with the following exceptions:

- (1) Documents filed under seal.
- (2) Pro se debtors’ petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which contain the signature of a pro se debtor.

RULE 5005-5

FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [New 6/1/06]

- (a) **Procedure for Striking Defective Documents.** If a document filed with the Court fails to conform with federal and local bankruptcy rules and forms, or the Administrative General Order Establishing Procedures for Filing, Signing, Maintaining, and Verifying Pleadings and Other Documents in the Electronic Case Filing (ECF) System, the document shall be stricken from the record. The order striking will list the nature of the defect and provide instructions for re-filing the document in corrected form.
- (b) **Defective Documents with Paid Filing Fees.** The procedure described in subsection (a) above, will apply to all filings except those accompanied with a required fee. In those instances, in order to preserve the paid filing fee, a Notice of Defective Document will issue to correct the deficiency. If the defect is not cured within the prescribed time, an order will enter striking the document.
- (c) **Failure to Submit a Proposed Order after Hearing.** If, after ten days from the date of the hearing, or other time as ordered by the Court, the responsible party does not file the required order, the Court will automatically strike the original initiating document (i.e. motion, application, notice) and the parties will receive notice that no further action will be taken. In order to revive the stricken filing, a Motion to Vacate must be filed, along with the overdue order, before the case is closed. Once the case is closed, a reopening fee will be required to docket the late filed order. See, LBR 9072-1(a),(c).

RULE 7004-1

SERVICE OF ADVERSARY PROCEEDING COMPLAINT

[Modified 6/1/06]

In addition to service of the summons and complaint on the defendant(s) named in the complaint as prescribed by Fed. R. Bankr. P. 7004, the plaintiff(s) shall also, contemporaneous with service on the defendant(s), serve a copy of the summons and complaint on the attorney representing the debtor in the bankruptcy case.

RULE 7067-1

REGISTRY FUNDS [New 6/1/06]

Local Rule Cv 67 of the Local Rules for the U.S. District Court, District of Rhode Island

(as amended on 1/1/2006) , contained in Appendix X of these rules, shall govern procedures for funds deposited into the Court's Registry Account.

RULE 8006-1 **RECORD ON APPEAL** [New 6/1/06]

- (a) **Designated Items for Inclusion in the Record on Appeal.** A party who designates items for inclusion in the record on appeal shall provide copies of the designated items to the clerk of the bankruptcy court at the time of the filing of the designation.
- (b) **Appeals to U.S. District Court, R.I. – Required Content and Arrangement of Record on Appeal.** The record on appeal must be tabbed and arranged in reverse chronological order so the documents appear in the same order as shown on the docket sheet. Parties may electronically file their designations of record without copies, in addition to paper-filing the tabbed designation in the manner described above. Failure to comply with this requirement may result in the dismissal of the appeal in accordance with R.I. District Court Rule 109(f)(5).

RULE 9004-1 **TREATMENT OF PERSONAL DATA IDENTIFIERS**
CONSISTENT WITH JUDICIAL CONFERENCE PRIVACY
POLICY [Modified 6/1/06]

- (a) **Privacy Considerations.** In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.
 - (1) **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
 - (2) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).
 - (3) **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.
 - (4) **Financial account numbers.** If financial account numbers are

relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

- (b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:
 - (1) file an unredacted version of the document under seal, or
 - (2) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

- (c) **Responsibility for Redaction.** The responsibility for redacting these personal identifiers rests solely with counsel and the parties. Upon review, if the Clerk finds that personal identifiers are present, the document will be stricken and counsel or the appropriate party will be required to refile the document within ten (10) days. Failure to comply will result in the issuance of an Order To Show Cause why the case should not be dismissed.
- (d) **Compliance with Electronic Transcripts Policy.** In compliance with the policy on Electronic Availability of Transcripts, access to every electronic transcript filed with the court will be restricted to court users and case participants to allow interested parties the opportunity to review the transcript and file a Notice of Redaction requesting that personal data identifiers be redacted prior to the transcript being made available to the public. It is the responsibility of the parties to monitor the docket for the filing of the transcript.
 - (1) **Procedure for Filing a Notice of Redaction.** Each party wishing to redact personal data identifiers contained in an electronic transcript must, within five (5) business days of the filing of the electronic transcript, file with the Clerk of Court a Notice of Redaction of personal data identifiers. Personal data identifiers include: social security numbers; financial account numbers; names of minor children; dates of birth; home addresses of individuals.
 - (2) **Statement Required.** Within twenty-one (21) days from the filing of the transcript the party who filed a Notice of Redaction must file a

Statement indicating the location of the personal data identifiers, including the page and paragraph numbers of the transcript where the personal data identifiers are located.

- (3) **Court Order.** Upon Court order, the court reporter shall partially redact those personal data identifiers from the transcript in accordance with LBR 9004-1(a). In addition to those personal identifiers listed in LBR 9004(a), and home addresses may be redacted to the city and state.
- (4) **Motion for Additional Redactions to the Transcript.** During the twenty-one (21) day period, an attorney may file a Motion for Additional Redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.
- (5) **Notice of Redaction Not Filed.** Failure to file a Notice of Redaction within the prescribed time will result in the transcript being made electronically available to the public at the close of the fifth business day.

RULE 9010-1

**ATTORNEYS - ADMISSION TO PRACTICE,
REPRESENTATION AND APPEARANCES** [Modified 6/1/06]

- (a) **Admission to Practice.** An attorney who is in good standing of the bar of the Supreme Court of Rhode Island and is admitted to practice in the United States District Court for the District of Rhode Island shall be deemed admitted to practice in this Court.
- (b) **Admission Pro Hac Vice.** A member in good standing of the bar of any state and the bar of any other U.S. District Court may, upon motion, be permitted to argue or try a particular cause in whole or in part as counsel. Local Rule 204 of the Local Rules for the U.S. District Court, District of Rhode Island (as amended on January 1, 2006 and as may be further amended from time to time), see Appendix VI, and subdivisions (c) and (d)(1) below shall govern procedures for admission Pro Hac Vice in this Court.
- (c) **Local Counsel Not Required In Uncontested Matters.** With the exception of representation as counsel to a debtor or trustee, an attorney may appear pro hac vice without a local attorney if the matter is uncontested. If, however, the matter is or becomes contested, then local counsel must enter an appearance at least five days before the scheduled hearing. An attorney who appears before the Court pursuant to this LBR agrees to observe and to be bound by the local rules and orders of this Court and the Rhode Island Rules of Professional Conduct.

(d) Representation:

- (1) **Motion for Admission Pro Hac Vice.** An attorney who is not a member of the Bar of the United States District Court for the District of Rhode Island, but who is a member in good standing in every jurisdiction where the attorney has been admitted to practice and is not subject to pending disciplinary proceedings as a member of the Bar in any jurisdiction, and subject to the limitations above, may appear in this Court by leave of Court. The attorney shall file a Motion for Admission Pro Hac Vice, to appear before this Court, substantially similar to R.I. Bankr. Form T, which Motion shall set forth the attorney's compliance with this LBR and Local Rule 204 of the U.S. District Court, along with the applicable filing fee made payable to the "Board of Bar Examiners". A separate Motion for Admission Pro Hac Vice, and the applicable filing fee, must be filed in each case in which the client is a party.
- (2) **Counsel Required/Pro Se Appearance.** No person, other than an individual representing himself/herself, shall appear or practice before this Court except through representation of counsel.
- (3) **Filing Proofs of Claim/No Representation Required.** A corporation, partnership or trust, by or through an officer, agent, or person authorized by a power of attorney, may file a proof of claim, an assignment or transfer of claim, a reaffirmation agreement or an application for payment of unclaimed funds due such entity, without representation of counsel. Otherwise, such entities shall appear only through counsel.
- (4) **No Entry of Appearance Required.** An attorney need not obtain leave of Court to appear and practice in a particular case merely to file a request for service, a reaffirmation agreement, a proof of claim or an assignment or transfer of claim on behalf of a client. If however, any such filing shall later become contested or is otherwise scheduled for hearing, and the filing attorney is not admitted to practice in the United States District Court for the District of Rhode Island, then such attorney must obtain the permission of the court to appear in accordance with subsection (1) above.

(e) Appearances:

- (1) **Filing Constitutes Appearance.** The filing of any pleading or other paper shall constitute an appearance in the case or proceeding in which the pleading or paper is filed by the attorney who signs it, unless the pleading or paper states otherwise.
- (2) **Request for Service of Papers.** If an attorney wishes to receive copies of filed papers, the attorney must file a formal entry of appearance containing the attorney's name, bar identification number, firm name,

mailing address and telephone and facsimile number of the person entering the appearance, specifically requesting to be so served, and a copy of such request must be served on the debtor's attorney, or debtor if pro se, the case trustee, and the local office of the United States trustee; otherwise, the attorney will receive only those papers that deal directly with said attorney's client, as required by the Federal Rules of Bankruptcy Procedure. With respect to notices and copies of orders served by the Court, the attorney will receive only those notices and orders that deal directly with said attorney's client as required by the Federal Rules of Bankruptcy Procedure, these LBRs or as otherwise ordered by the Court.

(3) **Appearance List.** The Clerk shall maintain a general appearance list in each case, which shall be available to any attorney upon request. The Clerk shall also maintain such list on the Court's electronic records system (PACER), to the extent technically possible.

(4) **Withdrawal of Attorney.**

(A) **Leave of Court Not Required.** An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the Court, provided that:

- (i) such notice is accompanied by a Notice of Appearance of other counsel;
- (ii) there are no motions pending before the Court; and
- (iii) no trial or hearing date has been scheduled.

(B) **Service of Notice of Withdrawal.** The Notice of Withdrawal shall be served on:

- (i) the client;
- (ii) the local office of the United States trustee;
- (iii) any trustee serving in the case;
- (iv) in cases under chapter 11, any committee that has been appointed and is serving in the case under 11 U.S.C. §§1102, or upon counsel or the authorized agent for such committee;
- (v) in adversary proceedings, all parties to the proceeding; and
- (vi) all other persons or parties as the Court may require.

(C) **Leave of Court Required.** If any of the requirements contained in subparagraph (A) is lacking, a written motion for leave to withdraw, with service on the parties listed in subparagraph (B) is required. Until an order granting withdrawal is entered, counsel remains the attorney of record in the case or proceeding.

(5) **Representation, Appearance and Argument by Eligible Law Students:**

- (A) An eligible law student, with the written consent of the Debtor(s), may, under the direct supervision of an attorney admitted to practice in this Court:
 - (i) assist in consulting with debtors, confer with opposing parties, research and draft correspondence, pleadings, discovery, and provide other non-documentary assistance to the Debtor(s);
 - (ii) assist in the research and preparation of the petition, schedules and other documents to be filed in this Court, but all such documents must be signed by an attorney admitted to practice in this Court who thereby agrees to become attorney of record. Names of students participating in the preparation of briefs may, however, be noted on the briefs.
 - (iii) participate in oral argument with leave of the Court, but only in the presence of an attorney of record.
- (B) A Supervising Attorney (as defined in paragraph C below), the student and the faculty member conducting the relevant law school course must execute and file a written statement containing the information and representations required by this Rule in substantially the form attached as **R.I. Bankr. Form T.2** with the Clerk at the time a petition, pleading or other document is filed with this Court.
- (C) A Supervising Attorney, for purposes of this rule, must be a member of the bar of this Court who agrees to assume personal professional responsibility for the law student's work and for supervising the quality of the law student's work. A Supervising Attorney shall assume personal professional responsibility for the student's work, assist the student to the extent necessary, appear with the student in all proceedings before this Court and be prepared to supplement any written or oral statement made by the student to this Court or opposing counsel and execute and file with this Court the attorney's written consent to supervise the student and be considered the attorney of record in substantially the form attached as R.I. Bankr. Form T.2.
- (D) The faculty member conducting the relevant law school course must be teaching a clinical course in bankruptcy for academic credit at a law school approved by the American Bar Association (the "Law School") and if serving as the supervising attorney, be admitted to practice in this Court; agree to act as attorney of record in the event the supervising attorney

and/or the student are not available to do so; and execute and file the written statement containing the information and representations required by this Rule in substantially the form attached as **R.I. Bankr. Form T.2.**

RULE 9074-1

TELEPHONE AND VIDEO CONFERENCES
AND HEARINGS [Modified 6/1/06]

- (a) **Request for Telephonic and Video Conference Proceedings.** The court may permit any party in interest to participate in a hearing by telephone or video conference. A plaintiff, movant or applicant desiring a telephonic or video hearing or conference may request the same when the motion or application is filed, or at the time the matter is scheduled for hearing. Parties in interest may request, not less than three (3) days in advance, that a hearing or conference be conducted by telephone, or video conference. Any party requesting a telephonic hearing or video conference shall advise the Court whether or not other parties agree to conduct the hearing by telephone or video conference. The Court shall determine whether to grant the request on the basis of, inter alia, conservation of the time and resources of the parties and the Court. At any time, the Judge may vacate any previously granted application to appear via video or telephone conference, and may order such party to personally appear in court for any hearing.
- (b) **Reliance on Written Submissions and Use of Exhibits.** Copies of written submissions or exhibits to be considered in connection with a matter scheduled for telephonic or video hearing shall be filed with the Clerk and served upon the parties in accordance with R.I. LBR 9070-1.
- (c) **Procedure for Arranging Video Conferencing.** It is the responsibility of the party seeking the video conference to make the necessary arrangement, and all costs of transmission, including the hire of equipment and operators at remote sites, will be its responsibility. In addition, after the granting of a request for a video conference/hearing, the requesting party shall contact the courtroom deputy to coordinate the proceeding.
- (d) **Procedure for Hearing via Video Conference.** The person arranging the video conference/hearing must ensure that there are sufficient microphones and that the cameras can cover all relevant parties. In addition, it is the responsibility of the requesting party to provide a qualified operator at the remote site throughout the hearing to deal with technical issues.
 - (1) **Decorum.** The provisions of Local Rule 5072-1 governing courtroom

decorum shall apply and the formalities of courtroom protocol shall be observed.

- (2) **Witnesses.** Any witness called will be sworn in by video conference by the courtroom deputy clerk or other authorized court personnel.
- (3) **Identification.** All parties in attendance must identify themselves and state their interest in the proceeding .

(e) **Technical Requirements.** Any video-conferencing system utilized under this rule must meet the following minimum requirements:

- (1) All participants must be able to see, hear, and communicate with each other simultaneously during the proceeding.
- (2) All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method.
- (3) Video quality must be adequate to allow the court and the participants to observe each other's demeanor and nonverbal expressions.
- (4) Video conference facilities must provide for confidential communication between attorneys and their client.
- (5) The Court must be satisfied that the equipment at the remote site is adequate and appropriate. To accomplish this, a test run between the remote site and the Court site must be conducted 24 hours prior to the commencement of the hearing.
- (6) The Clerks office will need the following technical information:
 - (A) Address and phone number of the remote site;
 - (B) Details of the remote video conferencing equipment including number of ISDN lines and connection speed (a minimum connection speed of 384K is required).

(f) **Recording of Hearing.** The video conference/hearing constitutes a Court proceeding, and recording of other than the official court version is prohibited. No party may record images or sounds from the remote location.